UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/781,917	02/08/2001	Clay H. Fisher	50N3695.01/1582	9084

24272   7590   01/30/2009
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ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
01/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-59* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-59* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *08 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/28/2008 has been entered.

Response to Arguments

Applicant's arguments filed 11/28/2008 have been fully considered but they are not persuasive.

Response to Remarks:

Applicant's arguments regarding claims 1, 21, 41 and 53 (Amendment pages 19-21) state that the Squilla reference fails to teach that "said one or more ancillary data files being selected and downloaded through selection decisions made only by said system user, and said selection destinations being made prior to said download of said

ancillary data files". The Examiner respectfully disagrees. Squilla discloses that

content information may be downloaded to a digital camera. Squilla specifically

discloses that a user can view content information or a list indicative of the content

information and if the user wants to save data, acceptance is signaled through the user

interface (31) and data is stored in the memory of the camera (col. 5, lines 1-8).

Therefore, it can be seen that Squilla discloses that ancillary data files are selected and

downloaded through selection decisions made only by a system user (through user

interface 31). In addition, Squilla discloses that alternatively, a URL address for the

user selected data can be stored in the memory and the data may be downloaded via

the internet at a later time (col. 5, lines 11-17). Thus, it can be seen that Squilla further

discloses that selection destinations may be made prior to downloading the ancillary

data files. Therefore, the Examiner maintains that the Squilla reference discloses all of

the limitations of claims 1, 21 and 41, and the combination of the Squilla and Aihara

references discloses all of the limitations of claim 53.

The arguments on pages 21-37 are identical to the arguments that were

presented in previous amendments. With regard to the arguments that are identical to

the arguments that were presented in the previous amendments, the Examiner's

responses given in the prior office actions are still applicable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1, 4-9, 11, 13-15, 17, 21, 24-29, 31, 33-35, 37, 41-42, 47-48 and 50-52

are rejected under 35 U.S.C. 102(b) as being anticipated by Squilla et al. US

6,396,537.

Re claims 1, 21, and 41, Squilla discloses a system for manipulating image data

capable of performing a method for manipulating image data, comprising the steps of:

storing one or more ancillary data files (graphics, photos, video/audio clips, etc.) in a

data source (10), said data source (10) being implemented as a computer (14) in a

distributed computer network of multiple remote intercommunicating computers (col. 3,

lines 57-63; figure 2); capturing said image data with an imaging device (24), said

imaging device (24) being physically remote from said computer (14) (figure 1; col. 3,

line 47-col. 4, line 25); transferring said one or more ancillary data files (graphics,

photos, etc.) in an ancillary data flow from said data source (10) directly to said imaging

device (24) by using an ancillary data module (microprocessor 42) (col. 4, lines 3-25;

col. 4, line 54-col. 5, line 17). Squilla further discloses manipulating the image data with

one or more ancillary data files (graphics, photos, etc.), said ancillary data module (42)

performing on-line management procedures during which a system user interactively

and manually utilizes the imaging device (24) to remotely view the ancillary data files

(graphics, photos, etc.) that are stored on the computer (14) (content can be viewed

using the preview function of the LCD 50), to remotely manipulate the ancillary data files

(graphics, photos, etc.) that are stored on the computer (14), to then remotely select the

ancillary data files (graphics, photos, etc.) that are stored on the computer (14) and to

manually trigger a download of the ancillary data files (graphics, photos, etc.) from the

computer (14) to the imaging device (24). Squilla specifically discloses that a user can

view content information or a list indicative of the content information and if the user

wants to save data, acceptance is signaled through the user interface (31) and data is

stored in the memory of the camera (col. 5, lines 1-8). Therefore, it can be seen that

Squilla discloses that ancillary data files are selected and downloaded through selection

decisions made only by a system user (through user interface 31). In addition, Squilla

discloses that alternatively, a URL address for the user selected data can be stored in

the memory and the data may be downloaded via the internet at a later time (col. 5,

lines 11-17). Thus, it can be seen that Squilla further discloses that selection

destinations may be made prior to downloading the ancillary data files. In addition,

Squilla discloses that the on-line management procedures occurring while an active bi-

directional electronic communication path currently exists from the imaging device (24)

to the computer (14) through the distributed computer network (col. 5, lines 1-17; col. 8,

line 39-col. 9, line 7; figures 4 and 5), the ancillary data files (graphics, photos, etc.)

including one or more image data files that the imaging device (24) combines with the

image data to created a new composite image (col. 5, lines 1-2; col. 6, lines 57-65).

Re claims 4 and 24, Squilla discloses that the imaging device (24) is a digital still camera device (figure 1; col. 4, lines 3-25).

Re claims 5 and 25, Squilla discloses that the ancillary data files (graphics, photos, audio/video) are transferred from the data source (10) to the imaging device (24) by utilizing a wireless transmission process (wireless link 60) (figure 1; col. 3, line 47-col. 4, line 25).

Re claims 6 and 26, Squilla further discloses that image data is manipulated by combining selected ones of the ancillary data files (graphics, photos, audio/video) with said image data to generate new composite data (the ancillary data is stored in the memory (48) along with the digital image) (col. 5, lines 1-22; col. 6, lines 57-65).

Re claims 7 and 27, Squilla further discloses that the imaging device (24) includes a capture subsystem (CCD 44) and a control module, said control module having a central processing unit, a memory (microprocessor 42), a viewfinder (LCD 50), and one or more input/output interfaces (wireless transceiver (30) (col. 4, lines 3-44; figure 1).

Re claims 8 and 28, Squilla discloses a memory device (microprocessor 42) that includes an application software program (col. 3, lines 42-46), an operating system, an

ancillary data module including ancillary data files, a display manager (LCD 50) (col. 4, lines 3-44), data storage (memory 48) for storing image data, and one or more camera menus (display content information and lists) for display upon a viewfinder (LCD 50) (col. 5, lines 1-22).

Re claims 9 and 29, Squilla discloses that the one or more input/output interfaces include a wireless communications interface (wireless transceiver 30) (figure 1; col. 4, lines 3-44).

Re claims 11 and 31, Squilla discloses that a user may view a list of transferred content that is indicative of the content and the user may select the desired content in order to add the content (ancillary data) to images captured by the camera (24) (col. 5, lines 1-22). Therefore, it can be seen that Squilla discloses that the ancillary data files each include a data portion (graphics, photos, audio/video) and a corresponding descriptor tag (the information regarding the content that is displayed as a list for user selection) that is analyzed to identify, characterize, and categorize a corresponding one of the ancillary data files.

Re claims 13 and 33, Squilla further discloses that the data source (10) is configured to facilitate interactively accessing, manipulating, and downloading the one or more ancillary data files (graphics, photos, audio/video) to the imaging device (24) by the system user (col. 5, lines 1-17; col. 8, line 39-col. 9, line 7).

Re claims 14 and 34, Squilla further discloses that the imaging device (24) establishes an active bi-directional communication path (wireless link 60) to the data source (10), the active communication path alternately being established by both an automatic connection protocol (col. 3, line 47-col. 4, line 25) and a user-initiated protocol (col. 8, line 39-col. 9, line 7).

Re claims 15 and 35, Squilla further discloses that on-line management procedures are performed while the active bi-directional communication path (wireless link 60) is available, the one or more on-line management procedures including an ancillary data file download procedure (col. 5, lines 1-22; col. 8, line 39-col. 9, line 7). It is further noted by the Examiner that this claim, as currently written, only requires a minimum of one on-line management procedure, by way of the limiting language of "one or more on-line management procedures".

Re claims 17 and 37, Squilla further discloses that the imaging device (24) terminates active bi-directional communication (wireless link 60) to the data source (10) when the on-line management procedures have been completed, the active communication path being alternately terminated by both an automatic termination protocol (col. 3, line 47-col. 4, line 25) and a user-initiated termination protocol col. 8, line 39-col. 9, line 7).

Re claim 42, Squilla discloses a system for manipulating image data, comprising: means for storing (image spot 10) one or more ancillary data files (graphics, photos, audio/video) (figure 2, col. 3, lines 57-63); means for capturing (camera 24) the image data (figure 1; col. 3, line 47-col. 4, line 25); means for transferring (wireless link 60) the one or more ancillary data files (graphics, photos, audio/video) from the means for storing (image spot 10) to the means for capturing (camera 24) (col. 4, line 54-col. 5, line 17); and means for manipulating (memory 48) the image data with the one or more ancillary data files (selected content data is stored with captured images) (col. 5, lines 1-22).

Re claim 47, Squilla further states that an ancillary data module (microprocessor 42) performs an off-line management procedure for the ancillary data files (graphics, photos, etc.) that have been downloaded from the data source (10), the off-line management procedure including the ancillary data module (42) analyzing descriptors form the ancillary data files and coordinating corresponding off-line file management procedures by alternately utilizing both an automatic process and an interactive process with a system user, the off-line file management procedures including a file descriptor identification procedure by which the ancillary data module (42) categorizes the ancillary data files (graphics, photos, etc.) and the imaging device (24) updating camera menus to including the ancillary data files (graphics, photos, etc.) to enable a system user to utilize the ancillary data files (graphics, photos, etc.) (col. 4, lines 3-25; col. 4, line 54-col. 5, line 17).

Re claim 48, Squilla discloses that the on-line management procedures only

occur while the imaging device (24) is in an on-line state that permits bi-directionally

communicating through the distributed computer network directly to the computer (14 of

the image spot 10)(col. 4, line 54-col. 5, line 17).

Re claim 50, Squilla discloses that a system user may utilize the ancillary data

module (microprocessor 42) to locally view displayed images of the ancillary data files

(graphics, photos, etc.) during on-line management procedures (col. 5, lines 1-17; col.

8, lines 39-56).

Re claim 51, Squilla states that the system will automatically select ancillary data

to be sent based on a personality profile of the user of the camera (col. 6, line 51-col. 7,

line 28). Therefore, it can be seen that Squilla teaches that ancillary data files

(graphics, photos, etc.) are automatically selected without intervention by a system

user.

Re claim 52, Squilla states that the ancillary data module may be implemented

as a software progam (col. 3, lines 42-46).

Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by

Steinberg et al. US 6,006,039.

Re claim 42, Steinberg teaches a system for manipulating image data,

comprising: means for storing one or more ancillary data files (fig. 1 indicator 14);

means for capturing said image data (fig. 1 indicator 10); means for transferring said

one or more ancillary data files from said means for storing to said means for capturing

(fig. 1 indicators 20,22, and 38); and means for manipulating said image data with said

one or more ancillary data files (fig. 4 indicator 122).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Squilla et al. US 6,396,537 in view of Creamer et al. US 6,930,709.

Re claims 2 and 22, Squilla discloses all of the limitations of claims 2 and 22 (see

the 102(b) rejection to claims 1 and 21 <u>supra</u>), except for explicitly teaching a system

wherein said data source includes an image station site on an Internet network.

The Examiner cites as supporting reference, Creamer et al. (US 6,930,709- filed on December 3, 1998), to illustrate the related equivalency of a computer in a distributed computer network being employed as "an image station site on an Internet network", a concept and equivalency that is well known and expected in the art. Creamer details a general purpose personal computer, incorporated in concert with the World Wide Web, that has the ability to place an image on the Internet, as well as states that the computer is usually dedicated to serving the camera (col. 1, lines 16-65.) Therefore, this reference is presented to support what is well known with respect to a computer dedicated and used for image data and connected to the Internet, being equivalent in naming convention to an image station site on an Internet network. It would have been obvious to one of ordinary skill in the art at the time of the invention for the computer in a distributed computer network to be an image station on an Internet network for the purposes of having a dedicated general purpose computer employed for image/camera related tasks such as manipulating image data, and which can be accessed via remote locations connected throughout the world wide web or an equivalent distributed network for the purpose of manipulating image data. (It is also noted that Applicants define the Internet as a distributed network (see Abstract), and that claim 2 serves to further limits the data source of claim 1, which is explicitly implemented as a computer in a distributed computer network.)

Claims 3, 23, and 46 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Squilla et al. US 6,396,537 in view of Qian US 6,950,130 and

further in view of Aihara et al. US 6,223,190.

Re claims 3 and 23, Squilla discloses all the limitations of claims 3 and 23 (see

the 102(b) rejection to claims 1 and 21 <u>supra</u>), except for teaching a system wherein

said ancillary data files include an image background file and an Internet webpage file.

However, Squilla does disclose that a URL address can be stored in the memory (col. 5,

lines 11-13).

Qian teaches the both the creation of background files and the replacement of

backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have

been obvious to one of ordinary skill in the art at the time of the invention to include

background files as taught by Qian with the system as taught by Squilla, so that the

user is provided with another ancillary data file merging option, in addition to templates

and overlays, for the purpose of enhancing the images captured by the user for

particular situations, as well as to expand the potential functionality of the imaging

device.

Furthermore, Aihara teaches Internet webpage files employed as ancillary data

files (col. 9 lines 40-42, col. 10 line 17 – col. 12 line 36.) It would have been obvious to

one of ordinary skill in the art at the time of the invention to include the ancillary data

files as taught by Aihara, with the system as taught by Squilla and Qian, for the purpose

of enhancing the images captured by the user for particular situations, as well as to

expand the potential functionality of the imaging device.

Re claim 46, Squilla discloses all the limitations of claim 31 above. However,

although Squilla discloses that ancillary data files may be transmitted to a camera and

stored with captured images it fails to disclose that the ancillary data files include a

background category or an Internet web page category.

Qian teaches both the creation of background files and the replacement of

backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) Based on this, it

would have been obvious to one of ordinary skill in the art at the time of the invention to

include background files, and an associated category for them within the system as

taught by Squilla, so that the user is provided with another ancillary data file merging

option, in addition to templates and overlays, for the purpose of enhancing the images

captured by the user for particular situations, as well as to expand the potential

functionality of the imaging device, all of which being found within an organized

(categorized) format to facilitate their use.

Further, Aihara teaches Internet webpage files employed as ancillary data files

(col. 9 lines 40-42, col. 10 line 17 – col. 12 line 36.) It would also have been obvious to

one of ordinary skill in the art at the time of the invention to include the ancillary data

files, and an associated category for them within the system as taught by Squilla and

Qian, so that the user is provided with another ancillary data file merging option, in

addition to templates, overlays, and backgrounds, for the purpose of enhancing the

images captured by the user for particular situations, as well as to expand the potential

functionality of the imaging device, all of which being found within an organized

(categorized) format to facilitate their use.

Claims 10, 18-20, 30 and 38-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Squilla et al. US 6,396,537 and further view of Anderson US

6,177,957.

Re claims 10 and 30, Squilla discloses all of the limitations of claims 1 and 21

above. Additionally, Squilla discloses that the camera (24) includes a download

manager for transferring ancillary data files (graphics, photos, audio/video) from the

data source (10) to the imaging device (24) and analyzing the ancillary data files

(content data is wirelessly transmitted from the data source 10 to the camera 24 via a

wireless link 60) (col. 4, line 54-col. 5, line 4), an editing module for combing the one or

more ancillary data files with image data (content data is selected and stored with

captured image data) (col. 5, lines 4-22), and miscellaneous routines that include a

conversion routine for translating one or more ancillary data files into a compatible

format (the content data is stored together with captured image data so it is inherent

that the content data must be in a compatible format) (col. 5, lines 1-22). However,

although the Squilla reference discloses all of the above limitations it fails to specifically

disclose that the camera includes a data manager for controlling and reorganizing the

ancillary data files.

Nevertheless, Anderson is found to teach dynamically updating software driven features in an electronic imaging device, in which the user may supplement the baseline application programming of the imaging device (col. 2 lines 18-25.)   The system of Anderson provides a procedure for updating of camera menus to reflect the addition of one or more ancillary data files, thereby enabling a system user to utilize one or more of the ancillary data files, (col. 8 line - col. 9 line 19.) The procedure of Anderson further teaches a file descriptor identification procedure by which said ancillary data module categorizes said one or more ancillary data files (figs. 7 and 8; col. 8 line 1 – col. 9 line 19.) Although Anderson employs hot mounted files, Anderson demonstrates a teaching of a menu reorganization procedure for files made accessible to the imaging device. When taken in light of the system as taught by Squilla, which includes ancillary data files selected and downloaded to the imaging device from a computer in a distributed computer network, one of ordinary skill in the art at the time of the invention would have found it obvious to add the functionality of a user accessible menu which was appropriately updated to reflect the newly added software enhancements available, so that the user may fully utilize all the imaging device's available functionality. It would have been further obvious to one of ordinary skill in the art at the time of the invention to employ a file descriptor identification procedure similar to that taught by Anderson, with the system as taught by Squilla, in order to correctly identify and implement the ancillary data files, and their corresponding functionality, which have been added to increase the available functionality of the imaging device, based on the selected files previously added via download from a computer in a distributed computer network.

Re claims 18 and 38, Squilla discloses all the limitations of claims 18 and 38 (see

the 102(b) rejection to claims 17 and 37 supra), except for teaching a system wherein

said ancillary data module performs an off-line management procedure for said one or

more ancillary data files that have been downloaded from said data source, said off-line

management procedure including a file descriptor identification procedure by which said

ancillary data module categorizes said one or more ancillary data files, said imaging

device responsively updating camera menus to include said one or more ancillary data

files to thereby enable a system user to utilize said one or more ancillary data files. It is

noted that Squilla does teach on-line management of ancillary data files, in that the

identified files may be selectable chosen by the user when connected to the data source

(col. 8, line 39-col. 9, line 7; figures 4 and 5)

Nevertheless, Anderson is found to teach dynamically updating software driven

features in an electronic imaging device, in which the user may supplement the baseline

application programming of the imaging device (col. 2 lines 18-25.) The system of

Anderson provides a procedure for updating of camera menus to reflect the addition of

one or more ancillary data files, thereby enabling a system user to utilize one or more of

the ancillary data files, (col. 8 line - col. 9 line 19.) The procedure of Anderson further

teaches a file descriptor identification procedure by which said ancillary data module

categorizes said one or more ancillary data files (figs. 7 and 8; col. 8 line 1 – col. 9 line

19.) Although Anderson employs hot mounted files, Anderson demonstrates a teaching

of a menu reorganization procedure for files made accessible to the imaging device.

When taken in light of the system as taught by Squilla, which includes ancillary data files selected and downloaded to the imaging device from a computer in a distributed computer network, one of ordinary skill in the art at the time of the invention would have found it obvious to add the functionality of a user accessible menu which was appropriately updated to reflect the newly added software enhancements available, so that the user may fully utilize all the imaging device's available functionality. It would have been further obvious to one of ordinary skill in the art at the time of the invention to employ a file descriptor identification procedure similar to that taught by Anderson, with the system as taught by Squilla, in order to correctly identify and implement the ancillary data files, and their corresponding functionality, which have been added to increase the available functionality of the imaging device, based on the selected files previously added via download from a computer in a distributed computer network. As to the occurrence of the procedure taught above, in conjunction with a teaching by Anderson of the procedure occurring within the imaging device (fig. 8), it would also have been obvious to one of ordinary skill in the art that the procedure of the system as taught by Squilla and Anderson be performed off-line, so that once the selected files had been downloaded, the imaging device is free to operate as a physically autonomous device, having no further need to be tethered or on-line with the computer, and free to perform the procedure at locations other than those accessible to the computer and at times when on-line accessibility is limited or no longer available.

Re claims 19 and 39, Squilla and Anderson teach all the limitations of claims 19

and 39 (see the 103(a) rejection to claims 18 and 38 supra), including teaching a

system wherein said off-line management procedure includes a file reorganization

procedure (Anderson: col. 9 lines 1-6) and a file deletion procedure (Anderson: col. 9

line 55 – col. 10 line18).

Re claims 20 and 40, Squilla and Anderson teach all the limitations of claims 20

and 40 (see the 103(a) rejection to claims 18 and 38 supra), including teaching a

system wherein said imaging device utilizes an editing module for combing the one or

more ancillary data files with image data (content data is selected and stored with

captured image data) to create a new composite image (col. 5, lines 4-22).

Claims 12, 32, 49 and 53-55 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Squilla et al. and further in view of Aihara et al. US 6,223,190.

Re claims 12 and 32, Squilla discloses all the limitations of claims 12 and 32 (see

the 102(b) rejection to claims 1 and 21 supra), including teaching a system wherein said

one or more ancillary data files are created by a system manufacturer utilizing ancillary-

data production equipment (col. 4, lines 54-67). However, Squilla does not teach a

system wherein said one or more ancillary data files are also created by a system user

on a local computer device.

Nevertheless, Aihara teaches that a user can create the ancillary data file (col. 7 lines 33-38.) It would have been obvious to one of ordinary skill in the art at the time of the invention to allow for a user to create the ancillary data file, in conjunction with the system as taught by Squilla in which ancillary data files are created by a system manufacturer, so that a user may not only have the ability to employ the ancillary data files provided by a manufacturer, but also to create their own ancillary data files in order to give the result its distinctive appearance (Aihara: col. 7 lines 36-38.) It is further noted that the specification at lines 1-8 of page 15, provides for the creation of ancillary data files by the system user in one embodiment, and alternatively, by a manufacturer in another.

Re claim 53, Squilla discloses a system for manipulating image data capable of performing a method for manipulating image data, comprising the steps of: storing one or more ancillary data files (graphics, photos, video/audio clips, etc.) in a data source (10), said data source (10) being implemented as a computer (14) in a distributed computer network of multiple remote intercommunicating computers (col. 3, lines 57-63; figure 2); capturing said image data with an imaging device (24), said imaging device (24) being physically remote from said computer (14) (figure 1; col. 3, line 47-col. 4, line 25); transferring said one or more ancillary data files (graphics, photos, etc.) in an ancillary data flow from said data source (10) directly to said imaging device (24) by using an ancillary data module (microprocessor 42) (col. 4, lines 3-25; col. 4, line 54-col. 5, line 17). Squilla further discloses manipulating the image data with one or more

ancillary data files (graphics, photos, etc.), said ancillary data module (42) performing

on-line management procedures during which a system user interactively and manually

utilizes the imaging device (24) to remotely view the ancillary data files (graphics,

photos, etc.) that are stored on the computer (14) (content can be viewed using the

preview function of the LCD 50), to remotely manipulate the ancillary data files

(graphics, photos, etc.) that are stored on the computer (14), to then remotely select the

ancillary data files (graphics, photos, etc.) that are stored on the computer (14) and to

manually trigger a download of the ancillary data files (graphics, photos, etc.) from the

computer (14) to the imaging device (24). Squilla specifically discloses that a user can

view content information or a list indicative of the content information and if the user

wants to save data, acceptance is signaled through the user interface (31) and data is

stored in the memory of the camera (col. 5, lines 1-8). Therefore, it can be seen that

Squilla discloses that ancillary data files are selected and downloaded through selection

decisions made only by a system user (through user interface 31). In addition, Squilla

discloses that alternatively, a URL address for the user selected data can be stored in

the memory and the data may be downloaded via the internet at a later time (col. 5,

lines 11-17). Thus, it can be seen that Squilla further discloses that selection

destinations may be made prior to downloading the ancillary data files. In addition, the

on-line management procedures occurring while an active bi-directional electronic

communication path currently exists from the imaging device (24) to the computer (14)

through the distributed computer network (col. 5, lines 1-17; col. 8, line 39-col. 9, line 7;

figures 4 and 5), the ancillary data files (graphics, photos, etc.) including one or more

image data files that the imaging device (24) combines with the image data to created a new composite image (col. 5, lines 1-2; col. 6, lines 57-65). However, although the Squilla reference discloses a wireless distributed computer network capable of allowing a camera to wirelessly transmit and receive ancillary data files it fails to state that the camera is capable of wirelessly connecting to remote devices via an internet network.

Aihara discloses a digital camera that is capable of wirelessly connecting to remote devices. Aihara states that the digital camera (110) is capable of connecting to an Internet network (750) (col. 13, lines 42-67). Therefore, it would have been obvious for one skilled in the art to have been motivated to connect the camera disclosed by Squilla to an internet network as disclosed by Aihara. Doing so would provide a means for expanding the capabilities of the camera by allowing the camera to transmit and receive information from multiple remote devices.

Re claim 49, Squilla discloses all of the limitations of claim 48 above. However, although the Squilla reference discloses a wireless distributed computer network capable of allowing a camera to wirelessly transmit and receive ancillary data files it fails to state that the camera is capable of wirelessly connecting to remote devices via an internet network.

Aihara discloses a digital camera that is capable of wirelessly connecting to remote devices. Aihara states that the digital camera (110) is capable of connecting to an Internet network (750) (col. 13, lines 42-67). Therefore, it would have been obvious for one skilled in the art to have been motivated to connect the camera disclosed by

Squilla to an internet network as disclosed by Aihara. Doing so would provide a means

for expanding the capabilities of the camera by allowing the camera to transmit and

receive information from multiple remote devices.

Re claim 54, Squilla states that the ancillary data module may be implemented

as a software program (col. 3, lines 42-46).

Re claim 55, Squilla further states that an ancillary data module (microprocessor

42) performs an off-line management procedure for the ancillary data files (graphics,

photos, etc.) that have been downloaded from the data source (10), the off-line

management procedure including the ancillary data module (42) analyzing descriptors

form the ancillary data files and coordinating corresponding off-line file management

procedures by alternately utilizing both an automatic process and an interactive process

with a system user, the off-line file management procedures including a file descriptor

identification procedure by which the ancillary data module (42) categorizes the ancillary

data files (graphics, photos, etc.) and the imaging device (24) updating camera menus

to including the ancillary data files (graphics, photos, etc.) to enable a system user to

utilize the ancillary data files (graphics, photos, etc.) (col. 4, lines 3-25; col. 4, line 54-

col. 5, line 17).

Claims 16 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Squilla et al. in view of Sarbadhikari et al. US 5,477,264.

Re claims 16 and 36, Squilla discloses all of the limitations of claims 15 and 35

above. However, although the Squilla reference discloses downloading ancillary data

files from a data source to a camera it fails to specifically state that a special instruction

file that corresponds to an ancillary data file is downloaded with the ancillary data files.

However, Sarbadhikari discloses a system wherein an ancillary data module

downloads a special instruction file that corresponds to a selected ancillary data file,

said special instruction file including information that instructs said imaging device how

to correctly utilize said selected ancillary data file, said special instruction file being

formatted as an embedded instruction file that is embedded in said selected ancillary

data file (col. 10 lines 43-50) and also as a discrete instruction file that is not embedded

in said selected ancillary data file (col. 9 line 51 – col. 10 line 18; col. 10 lines 43-50.

Therefore, it would have been obvious for one skilled in the art to have been motivated

to download a special instruction file together with a corresponding ancillary data file as

disclosed by Sarbadhikari in the system disclosed by Squilla. Doing so would provide a

means for appending instruction information to image data that is captured by a digital

camera.

Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Squilla et al. and further in view of Harada US 6,195,511.

Re claim 43, Squilla discloses all the limitations of claim 43 (see the 102(b) rejection to claims 1/21 supra), except wherein a data manager from said ancillary data module deletes a local ancillary data file in said imaging device after detecting a file type of a newly-downloaded one of said ancillary data files.

Nevertheless, Harada is found to teach the rewriting of camera programming upon detecting that a newer version has been downloaded (col. 6 line 28 – col. 7 line 7; in which the rewriting of a file is determined by the examiner to be equivalent to a deletion because the original file is ultimately replaced by a newer version of the file.) It would have been obvious to one of ordinary skill in the art at the time of the invention to delete a local file after detecting a newer file as taught by Harada with the method as taught by Squilla, in order to provide a method updating camera programming while maintaining minimum/lower memory requirements.

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Squilla et al. in view of Aihara et al. further in view of Qian US 6,950,130 further in view of Berstis US 6,721,001 and further in view of Silverbrook et al. US 6,894,694.

Re claim 44, the Squilla reference discloses all of the limitations of claim 21 abobve. However, although the Squilla reference discloses a wireless distributed computer network capable of allowing a camera to wirelessly transmit and receive ancillary data files it fails to state that the camera is capable of wirelessly connecting to remote devices via an internet network.

Aihara discloses a digital camera that is capable of wirelessly connecting to remote devices. Aihara states that the digital camera (110) is capable of connecting to an Internet network (750) (col. 13, lines 42-67). Therefore, it would have been obvious for one skilled in the art to have been motivated to connect the camera disclosed by Squilla to an internet network as disclosed by Aihara. Doing so would provide a means for expanding the capabilities of the camera by allowing the camera to transmit and receive information from multiple remote devices.

Aihara also teaches Internet webpage files employed as ancillary data files (col. 9 lines 40-42, col. 10, line 17 – col. 12 line 36). However, neither reference expressly provides for a background file of visual background data for combining with said image data, or template files including an animated template file and a voice-annotated template file.

Qian teaches the both the creation of background files and the replacement of backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include background files as taught by Qian with the system as taught by Squilla and Aihara, so that the user is provided with another ancillary data file merging option, in addition to templates and overlays, for the purpose of enhancing the images captured by the user for particular situations, as well as to expand the potential functionality of the imaging device.

Berstis is found to disclose voice annotation programming (fig. 3 indicator 304, col. 4 lines 5-8.) It would have been obvious to one of ordinary skill in the art at the time

of the invention to include programming for a voice-annotation as taught by Berstis as

another data file within the system as taught by Squilla, Aihara, and Qian, so that the

user is provided with another ancillary data file option, in addition to templates, overlays,

and backgrounds, for the purpose of enhancing the images captured by the user for

particular situations, as well as to expand the overall potential functionality of the

imaging device.

Silverbrook is found to disclose animation programming (col. 4 line 64 – col. 5

line 6.) It would have been obvious to one of ordinary skill in the art at the time of the

invention to include programming for animation as taught by Silverbrook as another

data file within the system as taught by Squilla, Aihara, Qian, and Berstis so that the

user is provided with another ancillary data file option, in addition to templates, overlays,

backgrounds, and voice-annotations, for the purpose of enhancing the images captured

by the user for particular situations, as well as to further expand the overall potential

functionality of the imaging device.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Squilla et al. US 6,396,537 in view of Park et al. US 6,731,305 in view of Kondoh et

al. US 6,968,058 and further in view of Satoh et al. US 5,717,496.

Re claim 45, Squilla discloses all of the limitations of claim 45 (see the 102(b)

rejection to claims 11/31 <u>supra</u>), except for expressly disclosing wherein said descriptor

tag includes a data format, a data type, a data structure, and a data size.

Nevertheless, it is well known to those skilled in the art to include descriptor

information associated with data information, as disclosed by Park (data structure and

size, col. 4 lines 22-24), Kondoh (data format, col. 4 lines 60-64), and Satoh (data type,

fig. 50, col. 26 lines 57-66.) Based on these teachings, it would have been obvious to

one of ordinary skill in the art at the time of the invention to allow for a wide breadth of

information to be includable with a descriptor tag so expand embedded run information

and other related pre-processed information.

Claims 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Squilla et al. in view of Aihara et al. further in view of Tullis US 6,535,243.

Re claim 56, the combination of the Squilla and Aihara references discloses all of

the limitations of claim 53 above. Additionally, Squilla states that the imaging device

(24) is a digital camera (col. 4, lines 3-25). However, the combination of Squilla and

Aihara fails to specifically state that the digital camera is capable of capturing video

images as well as capturing still images. However, Tullis discloses a wireless hand-

held digital camera that is capable of capturing both still images and video images (col.

7, line 66-col. 8, line 6). Therefore, it would have been obvious for one skilled in the art

to have been motivated to include both still image capturing capability and video image

capturing capability as disclosed by Tullis in the digital camera disclosed by Squilla in

view of Aihara. Doing so would provide a means for allowing a user of the camera to

capture both still images and video images and thus enhance the capabilities of the

camera.

**Claims 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Squilla et al. in view of Aihara et al. and further in view of Steinberg et al. US

6,006,039.**

Re claims 57- 58, the combination of the Squilla and Aihara references discloses

all of the limitations of claim 53 above. However, although the Squilla reference

discloses a wireless distributed computer network capable of allowing a camera to

wirelessly transmit and receive ancillary data files it fails to state that the camera is

capable of communicating with the data source through a hard-wired physical

connection or through a removable storage device.

Steinberg discloses a method for configuring a camera through external means.

Steinberg states that the camera (10) is capable of communicating with the PC (14) via

a removable storage device (22) or through a hard-wired physical connection (wire 30)

(col. 3, line 57-col. 4, line 15). Therefore, it would have been obvious for one skilled in

the art to have been motivated to include a hard-wired physical connection and a

removable storage device for allowing communication between a camera and a remote

device as disclosed by Steinberg in the system including a digital camera and an

ancillary data module as disclosed by Squilla in view of Aihara. Doing so would provide

a means for enabling communication between a camera and a remote device by means

other than wireless communication in order to ensure that the connection will not be lost

and the data will be exchanged without interruption.

Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Squilla et al. in view of Qian US 6,950,130 further in view of Berstis US 6,721,001

and further in view of Silverbrook et al. US 6,894,694.

Re claims 59, the Squilla and Aihara reference discloses all of the limitations of

claim 21 above. However, neither reference expressly provides for a background file of

visual background data for combining with said image data, or template files including

an animated template file and a voice-annotated template file.

Qian teaches the both the creation of background files and the replacement of

backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have

been obvious to one of ordinary skill in the art at the time of the invention to include

background files as taught by Qian with the system as taught by Squilla, so that the

user is provided with another ancillary data file merging option, in addition to templates

and overlays, for the purpose of enhancing the images captured by the user for

particular situations, as well as to expand the potential functionality of the imaging

device.

Berstis is found to disclose voice annotation programming (fig. 3 indicator 304,

col. 4 lines 5-8.) It would have been obvious to one of ordinary skill in the art at the time

of the invention to include programming for a voice-annotation as taught by Berstis as

another data file within the system as taught by Squilla and Qian, so that the user is

provided with another ancillary data file option, in addition to templates, overlays, and

backgrounds, for the purpose of enhancing the images captured by the user for

particular situations, as well as to expand the overall potential functionality of the

imaging device.

Silverbrook is found to disclose animation programming (col. 4 line 64 – col. 5

line 6.) It would have been obvious to one of ordinary skill in the art at the time of the

invention to include programming for animation as taught by Silverbrook as another

data file within the system as taught by Squilla, Qian, and Berstis so that the user is

provided with another ancillary data file option, in addition to templates, overlays,

backgrounds, and voice-annotations, for the purpose of enhancing the images captured

by the user for particular situations, as well as to further expand the overall potential

functionality of the imaging device.

Contacts

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kelly L. Jerabek whose telephone number is **(571) 272-**

7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Ometz can be reached at **(571) 272-7593**. The fax phone number for

submitting all Official communications is **(571) 273-7300**. The fax phone number for

submitting <u>informal communications</u> such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

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